

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MYLES RAMZEE,	:	CIVIL NO. 1:15-CV-2143
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
PA DOC, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of December, 2016, upon consideration of plaintiff's motions (Docs. 12, 16) to lift the stay in this matter¹, wherein he claims that the Department of Corrections ("DOC") is violating his religious rights as a member of Muhammad's Temple of Islam ("MTI") by not holding a feast at the conclusion of the December Fast in violation of the Equal Protection Clause, and upon consideration of plaintiff's complaint (Doc. 1) wherein he alleges that, as a member of MTI, defendants have violated his equal protection rights by not permitting members of MTI to participate in a December Fast, and the court finding that plaintiff's present request to participate in an end-of-fast feast is unrelated to the allegations of the complaint as there are no allegations in the complaint regarding a feast, and the court noting a DOC Memorandum which states that there will not be an end-of-fast feast at any State Correctional Institution for those inmates who have

¹ By order dated May 23, 2016, the court granted plaintiff's motion to stay the proceedings pending the implementation and completion of the 2016 December Fast by the Department of Corrections. (Doc. 11).

identified as MTI, and that inmates can observe the end of the December Fast by resuming to eat mainline meals on January 1, 2017, see (Doc. 18-1, DOC Memorandum regarding the 2016 December Fast, dated October 7, 2016), and further noting the declaration submitted by defendants stating that there is no mention of any feast in How to Eat to Live, the foundational teaching underlying the practice of MTI, see (Doc. 18-1, Declaration of Ulrich Klemm, DOC Religion, Volunteer and Recreational Services Program Administrator, ¶ 9), and upon consideration of plaintiff's lack of prima facie proof that he is being treated differently from other similarly situated inmates within the DOC, see Vill. of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (an equal protection claim can be brought by a "class of one," a plaintiff alleging that he has been "intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment"), see also Williams v. Morton, 343 F.3d 212, 221 (3d Cir. 2003), and plaintiff has thus failed to establish any reason to lift the stay issued in this matter, it is hereby ORDERED that:

1. The motions (Docs. 12, 16) to lift the stay are DENIED.
2. This matter shall remain STAYED in accordance with the court's order dated May 23, 2016. (Doc. 11).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania